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EXAMINER

LUONG, ALAN H

ART UNIT

PAPER NUMBER

2427

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/670,966	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> ALAN LUONG	<b>Art Unit</b> 2427	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-22,27 and 31-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-22,27 and 31-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 27, 2010, has been entered.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 6-22, 27 and 31-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Otsuka** et al (US 2003/0021593); in view of **Collart** (US Pub. 2005/0044481).

**Regarding to claim 1:** Fig. 1 of Otsuka illustrates a structure of optical disc player [100] supports **a method for controlling a playback operation in a media player device** as optical disc player [100], **the method comprising:**

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Fig. 1 of Otsuka illustrates optical disc player [100] **receives a user input** at user control interface [114] **for selecting one of N operating states of the media player** (i.e. Play Video from the DVD disc or search information on the Web), **each of the N operating states including first and second coincident operational modes of the media player** (i.e. playback\_mode as a first operational mode and User\_Agent\_Mode as a second operational mode), **the first coincident operational mode including reproducing audio/video (A/V) data recorded on a recording medium according to playback mode** (i.e. optical disc player operates in Normal Play back mode as one state,  $X=1$ ), **the second coincident operational mode including processing additional data recorded on the recording medium according to one of Y operation states** (i.e. a program interpreter that recognizes certain functions stored in a program on the local optical disc 116 that controls the operations mode of the optical disc player 100 that includes the bool ForceMode which disallows user to change mode operation (i.e. User\_Agent Mode: Stop,  $Y=1$  while Playback Mode active,  $X=1$ ), bool SwitchMode which **toggles** user operation, (i.e. user agent mode in **IDLE** while Playback mode continuing;  $X=1$ ,  $Y=2$ ,  $N=2$ ) and bool AllowModeSwitch which allows user to enable change between playback mode and user agent mode (i.e.  $X=1$ ,  $Y=3$ ,  $N=3$ ) (**Otsuka, ¶0021-¶0039 and Fig. 3, ¶0041-¶0043**). Fig. 2B of Otsuka shows a website document in a user agent mode wherein the HTML menu controls the playback of the video content stored on the local optical disc 116. (**Otsuka, ¶0019-¶0020**) meets the limitation of “operation states N equates production of play back mode states X and user agent mode states Y or expression  **$N=XxY$** ”; Additionally, Fig. 4 of Otsuka

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illustrates a operation [400] of player [100] is executed by processor [102], when user control interface [114] is activated by a user (**Fig. 4, ¶0044**) meets the limitation of **“operating the media player in the one of the N operating states in response to the user input.**

However, Otsuka is missing with respect to claim *“the additional data being associated with the A/V data;*

In an analogous art directed toward a similar problem namely improving the results from *the additional data being associated with the A/V data.* Fig. 3 of Collart illustrates ***the additional data*** (i.e. the user selects Tom Hanks 304 from Filmography DVD-Video menu 306) ***being associated with the A/V data*** (i.e. movie has Tom Hanks as Actor) in the second coincident operational mode. (Collart, **¶0042**). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to combine the second coincident operational mode of Otsuka including processing additional data *being associated with the A/V data* recorded on the recording medium as taught by Collart, to allow existing owners to access updated information associated with the movie on the DVD disk without request to DVD producer. (Collart, **¶0009**)

Finally, Fig. 2B of Otsuka illustrates **wherein the N operating states** (i.e. User agent mode) **include at least a state of reproducing the A/V data from the recording medium in the first coincident operational mode** (i.e. play back mode for displaying video on the screen [250]) **together with displaying additional data in the second**

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**coincident operational mode** (i.e. the HTML menu controls the playback of the video content stored on the local optical disc 116) (**Otsuka, ¶0019**).

**Regarding to claim 6:** Otsuka and Collart teach all limitation of the method of claim 1, Fig. 2A of Otsuka shows the optical disc player 100 of the invention operates as a standard DVD player. (**Otsuka, ¶0018 and ¶0046-¶0052**). It would have been obvious to one with ordinary skill in the art to know a normal DVD player can be operated in PLAY, STOP or PAUSE mode; meets the limitation of **“wherein the first coincident operational mode comprises at least one of play playback states associated with reproduction of the A/V data”**.

**Regarding to claim 7:** Otsuka and Collart teach all limitation of the method of claim 6, Fig. 2B of Otsuka shows a website document in a user agent mode, addition, the HTML menu controls the playback of the video content stored on the local optical disc 116. (**Otsuka, ¶0019-¶0020**) meets the limitation of **“wherein the second coincident operational mode comprises at least one of play”**

**Regarding to claim 8:** Otsuka and Collart teach all limitation of the method of claim 7, with respect to the claimed **“wherein the operating step includes playing back A/V data from the recording medium and displaying additional data received from the recording medium or the remote content provider in association with the A/V data, if the first coincident operational mode is in a play state and the second coincident operational mode is in a play state”** is met by Otsuka teaches the DISPLAY\_MODE display\_mode variable specifies the display mode of the optical disc

player 100; If the DISPLAY\_MODE display\_mode value is DISPLAY\_PIC\_IN\_PIC, then the displaying device coupled to the video/audio device interface 112 displays video playback mode and/or user agent mode in picture-in-picture format as shown in Fig. 2B (Otsuka, ¶0019, ¶0020, ¶0055, ¶0056).

Additionally, Collart teaches **wherein is displaying additional data received from the recording medium** (i.e. operation [3]) **or the remote content provider** (i.e. operation [5]) **in association with the A/V data.** (Collart, Fig. 3, ¶0042).

**Regarding to claim 9:** Otsuka and Collart teach all limitation of the method of claim 7, with respect to the claimed **“wherein the operating step includes displaying a still picture of a A/V data from the recording medium and displaying additional data received from the recording medium or the remote content provider in association with the A/V data, if the first coincident operational mode is in a still state and the second coincident operational mode is in a play state”**(i.e. at step 314 of Fig. 3, video menu is disabled, and a specified mode is user agent mode, user can use HTML menu in a play state) (Otsuka, ¶0043)

However, Otsuka and Collart are silent with respect to **“if the first coincident operational mode is in a STILL state”**. OFFICIAL NOTICE is taken that it is well known in the art, a normal DVD player has playback mode including STOP, PLAY and PAUSE or STILL functions on remote control device. Therefore, user can press a PAUSE button for freeze a video/audio picture on interface [112] of Fig. 1, to display a still image of a video content on full screen in play back mode. Therefore, it would have

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been obvious to one with ordinary skill in the art at the time of the invention was made to include a Still state in a play back mode as taught by Otsuka to control playback of video content on the DVD disc.

**Regarding to claims 10, 11:** The method claim 7, with respect to the claimed **“wherein the operating step includes discontinuing the playback of A/V data and displaying additional data received from the recording medium or the remote content provider in association with the A/V data and the displaying step displays the additional data in full screen mode and no A/V data is displayed, if the first coincident operational mode is in a stop state and the second operational mode is in a play state”** (i.e. at step 316 of Fig. 3, video menu is disabled, and a specified mode is user agent mode, user can use HTML menu to perform web related function, such as retrieving a web document from the network interface or a web document stored on the local optical disc. In DISPLAY\_MODE, Browser will full screen) (**Otsuka, ¶0043, ¶0055 and ¶0060**). However, Otsuka and Collart are silent with respect to **“if the first coincident operational mode is in a stop state”**. OFFICIAL NOTICE is taken that OFFICIAL NOTICE is taken that it is well known in the art, a normal DVD player has playback mode including STOP, PLAY and PAUSE or STILL functions on remote control device. Therefore, user can press a STOP button for discontinuing the playback of A/V data from interface [112] of Fig. 1, to display Web content on full screen in user agent mode. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to include a STOP state in a play back mode as taught by Otsuka to control playback of video content on the DVD disc.



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**Regarding to claims 12-14, 18 and 19:** Otsuka and Collart teach all limitation of the method of claim 1, Otsuka discloses a specified mode in this case as a bool ForceMode which user agent mode is NOT operated to prevent user using HTML menu to control play back mode of DVD player while only play back mode of DVD player is allowed; and on DISPLAY MODE will display Video playback in Full screen; (**Otsuka, step 306 of Fig. 3, ¶0042 and ¶0056**) meets the limitation of **“wherein if the first coincident operational mode is in a play state and the second coincident operational mode is in an idle state, then the device plays back the A/V data and the device temporarily discontinues receiving additional data from the enhanced navigation medium or the remote content provider in association with the A/V data and the device plays back A/V data in full screen mode.**

**Regarding to claims 15 and 16:** In the method of claim 1, Otsuka also discloses that wherein **if the first coincident operational mode is in a still state and the second coincident operational mode is in an idle state then the device temporarily discontinues playing back the A/V data and the device temporarily discontinues receiving additional data from the enhanced navigation medium.** (i.e. Otsuka discloses a specified mode in this case as a bool ForceMode which user agent mode is NOT operated to prevent user using HTML menu to control play back mode of DVD player while only play back mode of DVD player is allowed; and on DISPLAY MODE will display Video playback in Full screen; the processor 102 under the control of the program interpreter disables the user control interface 114 to prevent a user from

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changing the operations mode of the optical disc player 100. (**Otsuka, Fig. 2A, ¶0018, step 306 of Fig. 3, ¶0042**)

However, Otsuka and Collart are silent with respect to **“if the first coincident operational mode is in a STILL state”**. OFFICIAL NOTICE is taken that it is well known in the art, a normal DVD player has playback mode including STOP, PLAY and PAUSE or STILL functions on remote control device. Therefore, user can press a PAUSE button for freeze a video/audio picture on interface [112] of Fig. 1, to display a still image of a video content on full screen in play back mode. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to include a Still state in a play back mode as taught by Otsuka to control playback of video content on the DVD disc.

**Regarding to claim 17:** In the method of claim 1, Otsuka further discloses **wherein if the first coincident operational mode is in a stop state and the second coincident operational mode is in an idle state, then the device discontinues playing back the A/V data and the device temporarily discontinues receiving additional data from the enhanced navigation medium**. (i.e. at step 306 of Fig. 3, play back mode is enabled only, the processor 102 under the control of the program interpreter disables the user control interface 114 to prevent a user from changing the operations mode of the optical disc player 100) (**step 306 of Fig. 3, ¶0042**) meets the claimed with respect to **“the device temporarily discontinues receiving additional data from the enhanced navigation medium”**. However, Otsuka and Collart are silent with respect to **“if the first coincident operational mode is in a stop state”**. OFFICIAL NOTICE is

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taken that it is well known in the art, a normal DVD player has playback mode including STOP, PLAY and PAUSE or STILL functions on remote control device. Therefore, user can press a STOP button for discontinuing the playback of A/V data from interface [112] of Fig. 1. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to include a STOP state in a play back mode as taught by Otsuka to control playback of video content on the DVD disc.

**Regarding to claim 20:** The method of claim 7, Otsuka further discloses “**wherein the operating step includes temporarily discontinuing a playback of the A/V data and discontinuing a receiving of additional data from the recording medium, if the first coincident operational mode is in a pause state and the second coincident operational mode is in a stop state**” merely repeats the same scope of claim 15 and 16, claim 20 is rejected for the same reason as discussed in claim 15, 16.

**Regarding to claim 21:** The method of claim 7, with respect to the claimed “**wherein the operating step includes discontinuing a playback of the A/V data and discontinuing a receiving of additional data from the recording medium or the remote content provider in association with the A/V data, if the first coincident operational mode is in a stop state and the second coincident operational mode is in a stop state**” merely repeats the same scope of claim 17, claim 21 is rejected for the same reason as discussed in claim 17.

**Regarding to claim 22:** Fig. 1 of Otsuka illustrates a block diagram of **an enhanced media player [100], comprising:**

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**a playback engine [block 104] configured to reproduce A/V data from a recording medium [116]; an enhanced navigation engine [stored program in storage 116] configured to reproduce additional data from the recording medium [116] or a remote content provider through network interface [110] and a controller [102] operably coupled to the playback engine and the enhanced navigation engine and configured to control reproduction of the A/V data and/or additional data, (Otsuka, ¶0016-¶0017) wherein the controller is further configured to**

Fig. 1 of Otsuka illustrates optical disc player [100] **receives a user input** at user control interface [114] **for selecting one of N operating states of the media player** (i.e. Play Video from the DVD disc or search information on the Web), **each of the N operating states including first and second coincident operational modes of the media player** (i.e. playback\_mode and User\_Agent\_Mode), **the first coincident operational mode including reproducing audio/video (A/V) data recorded on a recording medium according to one of X playback states** (i.e. optical disc player operates in Normal Play back mode including PLAY,(Fast-Forward or Rewind), STOP and PAUSE or STILL), **the second coincident operational mode including processing additional data recorded on the recording medium or provided from the remote content provider according to one of Y operation states** (i.e. User\_Agent\_Mode in the bool ForceMode which disallows user to change mode operation, bool SwitchMode which toggles user operation, example: user agent mode in IDLE while Play mode continuing and bool AllowModeSwitch which allows user to

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enable change playback mode and user agent mode) (Otsuka, ¶0021-¶0039 and Fig. 3, ¶0041-¶0043),

Fig. 2B of Otsuka shows a website document in a user agent mode, additional information displaying with A/V information on PIP screen, the HTML menu controls the playback of the video content stored on the local optical disc 116. (Otsuka, ¶0019-¶0020) meets the limitation of “operation states N equates production of play back mode states X and user agent mode states Y or expression  $N=XxY$ ;

However, Otsuka is missing with respect to claim “*the additional data being associated with the A/V data*”

In an analogous art directed toward a similar problem namely improving the results from *the additional data being associated with the A/V data*. Fig. 3 of Collart illustrates ***the additional data*** (i.e. the user selects Tom Hanks 304 from Filmography DVD-Video menu 306) ***being associated with the A/V data*** (i.e. Actor name Tom Hanks) in the second coincident operational mode. (Collart, ¶0042). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to combine the second coincident operational mode of Otsuka including processing additional data *being associated with the A/V data* recorded on the recording medium as taught by Collart, to allow existing owners to access updated information associated with the movie on the DVD disk without request to DVD producer. (Collart, ¶0009)

Additionally, Fig. 4 of Otsuka illustrates a operation [400] of player [100] is executed by processor [102], when user control interface [114] is activated by a user **who operates**

**the media player in the one of the N operating states in response to the user input. (Fig. 4, ¶0044)**

Finally, Fig. 2B of Otsuka illustrates **wherein the N operating states** (i.e. User agent mode) **include at least a state of reproducing the A/V data from the recording medium in the first coincident operational mode** (i.e. play back mode for displaying video on the screen [250]) **together with displaying additional data in the second coincident operational mode** (i.e. the HTML menu controls the playback of the video content stored on the local optical disc 116) **(Otsuka, ¶0019).**

**Regarding to claim 27:** The player of claim 22, merely repeats the same function components of claim 6 and 7 combination, claim 27 is rejected for the same reasons as discussed in claim 6 and 7 combination **(see claim 6 and 7 rejection).**

**Regarding to claim 31:** The player of claim 27, Fig. 4 of Otsuka indicates **wherein the controller [102] is configured to control the enhanced media player to play back A/V data from the recording medium and to display additional data received from the recording medium or the remote content provider in association with the A/V data, if the first coincident operational mode is in a play state and the second coincident operational mode is in a play state"** merely repeats the same function components of claim 8, claim 31 is rejected for the same reasons as discussed in claim 8 **(see claim 8 rejection).**

**Regarding to claim 32:** The player of claim 27, Fig. 4 of Otsuka also indicates **wherein the controller [102] is configured to control the operating state** when user activates

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the BUTTON switch (¶0044), with respect to the claim 32 merely repeats the same function components of claim 9, claim 32 is rejected for the same reasons as discussed in claim 9 (**see claim 9 rejection**).

**Regarding to claims 33, 34:** The player of claim 27, Fig. 4 of Otsuka indicates **wherein the controller [102] is configured to control the operating state** when user activates the BUTTON switch (¶0044), with respect to the claims 33, 34 merely repeat the same function components of claims 10 and 11, claims 33, 34 are rejected for the same reasons as discussed in claims 10 and 11 (**see claim 10, 11 rejection**).

Regarding to claim 35: The player of claim 27, wherein the controller [102] is configured to control the enhanced media player to play back the A/V data and to continue receiving of additional data from the recording medium in association with the A/V data while discontinuing a displaying of the additional data, if the first coincident operational mode is in a play state and the second coincident operational mode is in an idle state" is met by Otsuka discloses that *"a specified mode in this case as a bool ForceMode which user agent mode is NOT operated to prevent user using HTML menu to control play back mode of DVD player while only play back mode of DVD player is allowed; and on DISPLAY MODE will display Video playback in Full screen"*; (Otsuka, step 306 of Fig. 3, ¶0042 and ¶0056)

**Regarding to claim 36:** The player of claim 27, with respect to the claim 36 merely repeat the same function components of claim 21, claim 36 is rejected for the same reasons as discussed in claim 21 (**see claim 21 rejection**).

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**Regarding to claim 37:** The player of claim 36, Fig. 4 of Otsuka indicates **wherein the controller [102] is configured to control the operating state** when user activates the BUTTON switch (¶0044), with respect to the claim 37 “**wherein the controller is configured to control the playback engine to display a still image of the last A/V data displayed**”, with respect to the claim 37 merely repeat the same features of claim 15, 16; claim 37 is rejected for the same reasons as discussed in claim 15, 16 (**see claim 15,16 rejection**).

**Regarding to claim 38:** The player of claim 27, Fig. 4 of Otsuka indicates **wherein the controller [102] is configured to control the enhanced media player to discontinue** when user activates the BUTTON switch (¶0044), with respect to the claim 38 merely repeat the same features of claim 21, claim 38 is rejected for the same reasons as discussed in claim 21 (**see claim 21 rejection**).

**Regarding to claim 39:** The player of claim 27, Fig. 4 of Otsuka indicates **wherein the controller [102] is configured to control the operating state** when user activates the BUTTON switch (¶0044), with respect to the claim 39 merely repeat the same features of claim 35, claim 39 is rejected for the same reasons as discussed in claim 35 (**see claim 35 rejection**).

**Regarding to claim 40:** The player of claim 27, Fig. 4 of Otsuka indicates **wherein the controller [102] is configured to control the enhanced media player to discontinue a playback of the A/V data**, when user activates the BUTTON switch (¶0044), with



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respect to the claim 40 merely repeat the same features of claim 20, claim 40 is rejected for the same reasons as discussed in claim 20 (**see claim 20 rejection**).

**Regarding to claim 41:** The player of claim 27, Fig. 4 of Otsuka indicates **wherein the controller [102] is configured to control the operating state** when user activates the BUTTON switch (§§0044), with respect to the claim 41 merely repeat the same features of claim 21, claim 41 is rejected for the same reasons as discussed in claim 21 (**see claim 21 rejection**).

**Regarding to claim 42:** The player of claim 22, further comprising:

Fig. 1 of Otsuka illustrates [110] as **a communication interface configured to communicate with the remote content provider to receive the additional data** (§§0016, §§0017, §§0019).

**Regarding to claim 43:** The player of claim 42, further comprising:

Fig. 1 of Otsuka illustrates [106 or 108] **as a data storage configured** by processor [102] **to store the additional data** as a program interpreter **from the remote content provider** as web browser or internet **or from the recording medium** as local disc [116]. (§§0005, §§0016).

### ***Response to Arguments***

3. Applicant's arguments filed on January 07, 2010 have been fully considered but they are not persuasive because:

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Applicant respectfully argues that Otsuka does not yield the N combinations of operating states. Here, Applicant's claimed switching means that both of the playback mode and the user agent mode are not present at the same time, but one of the two modes should be present. Therefore, as mentioned above, N combinations of X and Y cannot be generated by Otsuka. (Remark, page 15). Examiner respectfully disagrees.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant's claimed **switching means** that both of the playback mode and the user agent mode are not **present at the same time**, but one of the two modes should be present.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. With respect to argument against Otsuka does not yield the N combinations of operating states because the Otsuka discloses both of the playback mode and the user agent mode **present at the same time**; contrary to the invention that both of the playback mode and the user agent mode **are not present at the same time**.

Examiner's position bases on the State 1 in Fig. 3 and 4 of specification that the playback mode and the user agent mode are **present at the same time (PLAY)** as is disclosed in Otsuka. Therefore, Otsuka reference teaches yield the N combinations of operating states (MPEP 2141).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427